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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/819,669	03/17/1997	THIERRY BOON	LUD-5253.5-D	1995
24972	7590	09/09/2008		
FULBRIGHT & JAWORSKI, LLP 666 FIFTH AVE NEW YORK, NY 10103-3198			EXAMINER GAMBEL, PHILLIP	
			ART UNIT	PAPER NUMBER
			1644	
			MAIL DATE	DELIVERY MODE
			09/09/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
08819669	3/17/1997	BOON ET AL.	LUD-5253.5-D

FULBRIGHT & JAWORSKI, LLP  
666 FIFTH AVE  
NEW YORK, NY 10103-3198

**EXAMINER**

Phillip Gambel

ART UNIT	PAPER
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1644	20080908
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DATE MAILED:

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**Commissioner for Patents**

The Reply Brief filed 10/6/00 has been entered and considered.

**PETITION TO WITHDRAW TERMINAL DISCLAIMER**

The Granting of the Petition under 37 CFR 1.182, filed 05/02/2008, to withdraw the terminal disclaimer, filed 12/12/2006, mailed by the Office of Petition on 07/21/2008, is acknowledged.

With respect to the statement in the Petition that Examiner Gambel has determined that the terminal disclaimer can be withdrawn, it is noted that the decision was granted by the Office of Petitions and that the examiner upon inquiry by the Office of Petitions had noted that a terminal disclaimer between the instant application USSN 08/819,669 and U.S. Patent No. 5,843,448 was not proper, if there no co-ownership, as stated in appellant's Petition, filed 05/02/2008.

While appellant's Petition relied upon the assignment documents from the parent application (U.S. Patent No. 5,541,104), the examiner notes for the record that it appears that the USPTO assignment records with respect to U.S. Patent No. 5,843,448 (subject of the obvious-type double patenting rejection) are not consistent / have not been updated with the Facts presented in the Petition (assignee on the face of U.S. Patent No. 5,843,448 is Ludwig Institute of Cancer Research versus Ludwig Institute of Cancer Research and Cornell Research Foundation noted in the Petition).

**REPLY BRIEF**

With respect to appellant's remarks in Reply Brief, the Board is directed to the Examiner's Answer, mailed 04/29/2008 for a complete analysis in rebuttal to appellant's remarks.

No further response by the Examiner is deemed necessary.

The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip Gambel whose telephone number is (571) 272-0844. The examiner can normally be reached Monday through Thursday from 7:30 am to 6:00 pm. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on (571) 272-0878.

The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Phillip Gambel/  
Phillip Gambel, Ph.D., J.D.  
Primary Examiner, Art Unit 1644  
September 8, 2008